UNITED STATES DISTRICT COURT WESTERN DISTRICT OF NORTH CAROLINA CHARLOTTE DIVISION DOCKET NO. 3:15-cr-59-MOC-DCK-2

UNITED STATES OF AMERICA,)	
Di i dec)	
Plaintiff,)	
Vs.)	ORDER
OLEKSANDR KHARCHENKO,)	
)	
Defendant.)	

THIS MATTER is before the Court on Defendant's pro se Motion for the Return of Seized Property, (Doc. No. 227), in which Defendant requests return of (1) his "International Passport;" (2) his Ukrainian Driver's License; and (3) "Miscellaneous."

Having considered Defendant's motion and reviewed the pleadings, the Court enters the following Order. On March 5, 2018, Defendant pled guilty via Plea Agreement, (Doc. No. 181), to conspiracy to commit money laundering related to his involvement with an international criminal organization that laundered millions of dollars for cybercriminals. In the Plea Agreement, Defendant agreed to forfeiture of items and waived all rights to seized items and to request records in this case. (Id. at ¶¶ 10 and 21). Despite these waivers, Defendant has now filed the pending motion.

In its response, the Government states that, in an effort to comply with Defendant's request, the Assistant United States Attorney has inquired with the Federal Bureau of Investigation ("FBI") about obtaining the items requested by Defendant. The Government reports that the FBI does not possess the items identified by Defendant, but it inquired with the

Department of Homeland Security (National Records Center), which also advised that it does not have the items. The Government explains that the FBI has further inquired of the Mecklenburg County Sheriff's Office, which managed the jail where Defendant was detained pending trial. The Government reports that the Mecklenburg County Sheriff's Office has not replied, and the Government asserts that it will inform the Court and Defendant when and if it receives a response from the Mecklenburg County Sheriff's Office.

Based on the representations of the Government, the Court finds that the motion will be denied at this time. However, when and if the Mecklenburg County Sheriff's Office provides a response, the Court will entertain a new motion if the Mecklenburg County Sheriff's Office's response warrants a new motion to be filed by Defendant.

ORDER

IT IS, THEREFORE, ORDERED that Defendant's Motion for Return of Seized Property (#227) is **DENIED**.

Signed: June 19, 2019

Max O. Cogburn Jr United States District Judge